

ORDER RECEIVED FOR FILING

Date 11/29/88
By J. Robert Haines

IN RE: PETITION FOR ZONING VARIANCE
E/S Benwell Road, 165' N of
Hammershire Road
(45 Benwell Road)
4th Election District
3rd Councilmanic District
Hurst R. Hessey
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-168-A

AMENDED ORDER

WHEREAS, the Petitioner requested a variance to permit a distance between buildings of 10 feet in lieu of the required 30 feet for Building Nos. 20 and 21, 24 and 25, and 28 and 29, and to permit a building to right-of-way setback of 18 feet in lieu of the required 25 feet and a building to right-of-way centerline setback of 48 feet in lieu of the required 50 feet, as set forth in Petitioner's Exhibit 1;

WHEREAS, the Order dated November 30, 1988 granted a modification of the relief requested;

WHEREAS, the Petitioner in agreement with the Office of Planning has agreed to reduce the size of the proposed development which in turn reduces the total area of the requested variances and negates the necessity for some of the variances requested;

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of December, 1988 that the Order dated November 30, 1988 be and is hereby AMENDED and a variance to permit a distance between buildings of 20 feet in lieu of the required 30 feet for Building Nos. 19, 20, 23, 24, 27 and 28, in accordance with the revised site plan submitted and identified as Petitioner's Exhibit A, be and is hereby GRANTED from and after the date of this Order; and

IT IS FURTHER ORDERED that Restriction No. 3 of the Order dated November 30, 1988 be deleted as moot and that Restriction No. 4 of said Order shall limit the variances granted herein to house Nos. 17 through 31 in accordance with Petitioner's Exhibit A. All other conditions and restrictions of the Order dated November 30, 1988 shall remain in full force and effect.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Hurst R. Hessey, Esquire
1311 Fidelity Building, Baltimore, Maryland 21202

Ms. Donna Bishop
24 Coliston Road, Reisterstown, Md. 21136

People's Counsel
Case File

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IN RE: PETITION FOR ZONING VARIANCE
E/S Benwell Road, 165' N of
Hammershire Road
(45 Benwell Road)
4th Election District
3rd Councilmanic District
Hurst R. Hessey
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-168-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a distance between buildings of 10 feet in lieu of the required 30 feet for Building Nos. 20 and 21, 24 and 25, and 28 and 29, and to permit a building to right-of-way setback of 18 feet in lieu of the required 25 feet and a building to right-of-way centerline setback of 48 feet in lieu of the required 50 feet, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing on behalf of the Petition were Dwight A. LaRue and Harvey Silbermann. No Protestants appeared at the hearing. However, on November 9, 1988 this Office received a signed Petition from area residents indicating their opposition to this project. The signed petition and cover letter have been incorporated into the case file.

Testimony indicated that the subject property, known as 45 Benwell Road, is zoned D.R. 16 and is currently an undeveloped tract of land located in the middle of the Brookshire development. The surrounding community has been previously developed and is depicted in Petitioner's Exhibit 2. Petitioner testified he proposes developing the remaining property with townhouses as shown on Petitioner's Exhibit 1. Testimony indicated the requested variance between each group of homes is required

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as the proposed development will not meet current setback requirements for distances between buildings. The townhouses, shown as Nos. 17 through 32 on Petitioner's Exhibit 1, will be constructed and designed similar to those developed by the North American Housing Corporation as shown in Petitioner's Exhibit 3. House No. 32 is located on the corner of the subject property adjacent to Benwell Road and due to its close proximity to the road, will require the requested building to right-of-way setbacks. Petitioner's Exhibit 2 shows that the surrounding community has been developed with what is known as quad homes, which are considered a variation of the traditional townhouse and consists of four (4) homes in one building. Petitioner presented extensive testimony as to the economic needs for the requested variances and testified that he would suffer practical difficulty and unreasonable hardship if the variances were not granted.

Based upon the signed Petition received from many area residents in opposition to this project, it appears that most of the Protestants live in the quad homes. The thrust of their opposition appears to be that they do not want this particular parcel of land to be developed as it currently provides for open space and a play area for their children.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

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By J. Robert Haines

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- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

It must be pointed out that while the Protestants may not desire the subject property to be developed, the land is zoned D.R. 16 and the development proposed is clearly within the permitted guidelines for density development in the area. Further, it is not within the authority of the Zoning Commissioner to deny the requested variances simply because the adjacent residential property owners are displeased with the proposed plans for development. This is not a standard on which to test the merits of a variance request. The landowner has the right to develop the land consistent with D.R. 16 regulations. The use proposed is permitted as a matter of right and is not discretionary on the Zoning Commissioner's part to allow or not to allow development. The issue here is whether or not to allow such development to be closer than the setback requirements allow. The testimony and evidence presented clearly addressed the requirements set forth in Section 307 of the B.C.Z.R. Further, a review of the Zoning Plans Advisory Committee comments clearly indicates that all of the Departments, with the exception of the Office of Planning, responded favorably to the proposed development.

The Office of Planning stated in its comments dated November 3, 1988 that the purpose of the setbacks between building groups is to allow

visual relief between building facades and that due to the narrow width of the openings between buildings in relationship to their length, the proposed development did not actually provide the desired visual and physical separation between buildings. However, subsequent comments dated November 18, 1988 indicate the Office of Planning has worked closely with Petitioner to alleviate those problems with building separation and will provide new yard screening on Benwell Road.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of November, 1988 that a variance to permit a distance between buildings of 10 feet in lieu of the required 30 feet for Building Nos. 20 and 21, 24 and 25, and 28 and 29, and to permit a building to right-of-way setback of 18 feet in lieu of the required 25 feet and a building to right-of-way centerline setback of 48 feet in lieu of the required 50 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

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Date 11/29/88
By J. Robert Haines

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- 3) Petitioner shall submit to the Zoning Commissioner's Office by no later than March 1, 1989 a new site plan which clearly identifies all buildings, their size and area dimensions, their exact location on the subject property, their distances from all property lines, and any other information as may be required to be a certified site plan.

- 4) The variances granted herein are limited to house Nos. 17 through 32 as shown on Petitioner's Exhibit 1.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING

Date 11/29/88
By J. Robert Haines

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
XXXXXX 887-3353

J. Robert Haines
Zoning Commissioner

November 30, 1988



Dennis F. Rasmussen
County Executive

Hurst R. Hessey, Esquire
1311 Fidelity Building
Baltimore, Maryland 21202

RE: PETITION FOR ZONING VARIANCE
E/S Benwell Road, 165' N of Hammershire Road
(45 Benwell Road)
4th Election District - 3rd Councilmanic District
Hurst R. Hessey - Petitioner
Case No. 89-168-A

Dear Mr. Hessey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Ms. Donna Bishop
24 Coliston Road, Reisterstown, Md. 21136

All Protestants

People's Counsel

File

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.3.B. 504 (V.B.S. 504) to allow a distance between buildings of 10 ft. in lieu of the required 30 ft. (between buildings numbered 20 and 21, 24 and 25, 28 and 29) AND To allow building to right of way and building to the right of way centerline setbacks of 18 ft. A 38 ft. in lieu of the required 50 ft. 50 ft. respectively

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) See Attached Sheet

MAP 2D
DATE 1-31-88
200
1000
DP

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
Hurst R. Hessey
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Address
Phone No.

Legal Owner(s):
Hurst R. Hessey
(Type or Print Name)
Signature
(Type or Print Name)
Signature
1311 Fidelity Building 539-3300
Address
Baltimore, Maryland
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day

of August 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 4th day of November, 1988, at 9 o'clock

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

JUNE 6, 1988 -3- DESCRIPTION OF # 19 & # 45 BENWELL RD. "VICTORIA SQUARE" BALTIMORE CO. MD.
SILBERMANN & ASSOCIATES, INC.
Engineers • Planners • Surveyors

RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER OTG # 5188, FOLIO # 201, AND ALL OF THE LAND PURCHASED FROM BALTIMORE COUNTY LYING ON THE CURVE OF THE EAST SIDE OF BENWELL ROAD AS SHOWN ON A PLAT OF THE BALTIMORE COUNTY BUREAU OF LAND ACQUISITION ON SHEET TWO OF TWO OF DRAWING # SP4-039-1-R.



CARLTON LEROY PRICE
PROFESSIONAL LAND SURVEYOR
MARYLAND L.S. # 10698

HRH/dky 6/07/88
Petition.607

ADDENDUM TO PETITION FOR ZONING VARIANCE

Petitioner seeks a zoning variance for his property located at 45 Benwell Road, Reisterstown, Maryland, pursuant to a projected development for the property as set forth on the site development plans filed with this petition.

Specifically, petitioner is seeking a variance of the setback between units numbered 21 and 29, units numbered 25 and 27 and units numbered 29 and 31, from the normal setback regulation of 30 feet to 10 feet. None of these units has a side window.

Petitioner also seeks a variance of the zoning regulation requiring a 50-foot distance from the center line of Benwell Road to the property line of any lot within the proposed development. In order for petitioner to retain the aesthetics of the proposed development, as well as maximize the limited development potential of the tract, petitioner desires to place unit number 32 in such a location that it infringes on the 50-foot distance between the center line and the side property line by no more than two feet, for a length not exceeding eight feet along the side yard.

Petitioner has been dealing with the Department of Public Works and other county agencies for several years relating to the development of this project. The property is surrounded by the Pulte (Brookshire) quadrominium development, and the granting of the variances requested in this petition will not in any way injure or aesthetically impair the neighborhood.

Hurst R. Hessey, Petitioner

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

November 22, 1988

Hurst R. Hessey, Esquire
1311 Fidelity Building
Baltimore, Maryland 21202

RE: PETITION FOR ZONING VARIANCE
E/S Benwell Road, 165' N of Hammershire Road
(45 Benwell Road)
4th Election District - 3rd Councilmanic District
Hurst R. Hessey - Petitioner
Case No. 89-168-A

Dear Mr. Hessey:

At the conclusion of the hearing held on the above-captioned matter on November 4, 1988, you indicated that you would work with the Office of Planning in an effort to resolve your differences with respect to this project. I agreed that I would wait for a written determination from the Office of Planning and yourself before issuing a decision in this matter. To date, I have not received any documentation from you or the Office of Planning on the subject.

If I do not hear from you with ten (10) days of the date of this letter, I will issue a final Order based on the comments previously submitted by the Office of Planning dated November 3, 1988.

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: P. David Fields
Pat Keller
Case File

SILBERMANN & ASSOCIATES, INC. Engineers • Planners • Surveyors

1703 EAST JOFFA ROAD
BALTIMORE, MARYLAND 21204
(301) 561-5888

JUNE 6, 1988

DESCRIPTION OF A PARCEL OF LAND IN BALTIMORE COUNTY, MARYLAND ON THE EAST SIDE OF BENWELL ROAD, KNOWN AS # 19 & # 45 BENWELL ROAD.

BEGINNING FOR THE SAME AT EAST SIDE OF BENWELL ROAD 60 FEET WIDE, AT A POINT OF INTERSECTION WITH THE SOUTHWEST PROPERTY LINE OF A PARCEL OF LAND FORMERLY OWNED BY HARRY DILLON & WIFE RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER O.T.C. 5188 FOLIO 201, NOW OWNED BY MR. DWIGHT LARVE.

THENCE, RUNNING AND BINDING ALONG PART OF THE WEST SIDE, NORTH 04° 25' 20" WEST 268.75 FEET LINE OF THE DILLON PROPERTY;

- (1) NORTH 04° 25' 20" WEST 243.56 FEET TO A POINT OF CURVATURE OF AN AREA PURCHASED FROM BALTIMORE COUNTY, MARYLAND RECORDED AMONG THE RECORDS OF THE BALTIMORE COUNTY BUREAU OF LAND ACQUISITION ON SHEET # 2 OF 2 OF SP4-039-1-R;
- THENCE, RUNNING AND BINDING ON THE WESTERN SIDE OF THE SAID ACQUISITION FOR FOUR COURSES AND DISTANCES:
- (2) WITH A CURVE TO THE LEFT WITH A RADIUS OF 420.00 FEET AN ARC LENGTH OF 25.21 FEET, SUBTENDED BY A CHORD BEARING N 06° 08' 32" WEST 25.21 FEET.
- (3) WITH A CURVE TO THE LEFT WITH A RADIUS OF 420.00 FEET, AN ARC LENGTH OF 111.54 FEET, SUBTENDED BY A CHORD BEARING N 15° 28' 12" WEST 111.21 FEET.
- (4) WITH A CURVE TO THE LEFT, WITH A RADIUS OF 420.00 FEET, AN ARC LENGTH OF 27.82 FEET, SUBTENDED BY A CHORD BEARING NORTH 24° 58' 30" WEST 27.81 FEET.
- (5) NORTH 26° 52' 20" WEST 26.07 FEET.

CERTIFICATE OF PUBLICATION

TOWSON, MD. Oct. 17, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct. 13, 1988.

THE JEFFERSONIAN,

S. Zake Orlean
Publisher

SALES & LEGAL NOTICES
NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Board of Commissioners, has ordered that a public hearing be held on the following petition for zoning variance at 11:00 A.M. on Friday, November 4, 1988, at the County Office Building, Room 108, 400 Election District, 1311 Fidelity Building, Towson, Maryland 21204.
Petitioner: Hurst R. Hessey
Hearing Date: Friday, Nov. 4, 1988 at 11:00 A.M.
Variance to allow a distance between buildings of 10 feet in lieu of the required 30 feet (between buildings numbered 20 and 21, 24 and 25, and 28 and 29, 10 feet to the right of way and building to the right of way centerline setbacks of 18 feet in lieu of the required 50 feet and 38 feet respectively.
IF PHASE II OF THE SHOW EMERGENCY PLAN IS IN EFFECT ON THIS DATE, CALL 494-3331 TO CANCEL THE HEARING.
In the event that the Petition is granted a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission may, however, suspend any request for a stay of the decision of said permit during this appeal period. Such request must be in writing and received by the County Office Building, Room 108, on or before the date of the hearing set above or provided in the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
1007 Oct 13

Post 05167
Reg # M20362
Price \$82.80
emt/jerr

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 4th
Posted for: Variance
Petitioner: Hurst R. Hessey
Location of property: E/S Benwell Road, 165' N of Hammershire Road (45 Benwell Road)
Location of Sign: East side of Benwell Road, in front of subject property # 45 Benwell Road
Remarks:
Posted by: J. Robert Haines
Number of Signs: 1
Date of Posting: October 8, 1988
Date of return: October 21, 1988

JUNE 6, 1988

SILBERMANN & ASSOCIATES, INC. Engineers • Planners • Surveyors

TO A POINT ON THE WESTERLY EXTENSION OF THE NORTHERN SIDE OF THE PROPERTY FORMERLY OWNED BY THOMAS G. PFEIFFER AND WIFE, RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER RRG 4460 FOLIO 408 ;

THENCE, RUNNING AND BINDING REVERSELY ALONG THE SAID EXTENSION ;

(6) NORTH 85° 58' 40" EAST 41.79 FEET ;
TO EASTERN BOUNDARY LINE OF THE SAID LAND ACQUISITION MENTIONED PRIOR,

THENCE, RUNNING AND BINDING ALONG THE NORTHERN LINE OF THE SAID LAND OF THOMAS G. PFEIFFER, NOW OWNED BY HURST HESSEY AND WIFE ;

(7) NORTH 85° 58' 40" EAST 400.00 FEET ;
TO THE EASTERN LINE OF THE HESSEY PROPERTY ;
THENCE, RUNNING AND BINDING ALONG THE SAID EASTERN LINE OF THE HESSEY PROPERTY ;

(8) SOUTH 04° 25' 20" EAST 159.00 FEET
TO THE SOUTHEAST CORNER OF THE SAID HESSEY PROPERTY ;

THENCE, RUNNING AND BINDING ALONG PART OF THE SOUTHERN PROPERTY LINE OF THE HESSEY LAND ;
(9) SOUTH 85° 58' 40" WEST 220.00 FEET ;
TO A POINT OF INTERSECTION WITH THE EASTERN PROPERTY LINE OF THE DWIGHT LARVE PARCEL ;

THENCE, RUNNING AND BINDING ALONG THE SAID EASTERN LINE OF THE SAID LARVE PROPERTY ;
(10) SOUTH 04° 25' 20" EAST 258.50 FEET ;
TO THE SOUTHERN LINE OF THE SAID LARVE PROPERTY ;

THENCE, RUNNING AND BINDING ALONG THE SAID SOUTHERN LINE ;
(11) SOUTH 82° 43' 00" WEST 180.22 FEET
TO THE EAST SIDE OF BENWELL ROAD AND TO THE PLACE OF BEGINNING .

CONTAINING 13,607.50 SQUARE FEET, OR 2.608069 ACRES OF LAND, MORE OR LESS.

BEING ALL OF THE LANDS OF THOMAS G. PFEIFFER & WIFE AS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER RRG # 4460, FOLIO # 408, AND ALL OF THE LANDS OF HARRY DILLON AND WIFE AS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER O.T.C. 5188 FOLIO 201.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Mr. Hurst R. Hessey
1311 Fidelity Building
Baltimore, Maryland 21202

RE: Petition for Zoning Variance
CASE NUMBER: 89-158-A
ES Benwell Road, 165' N Hammershire Road
(45 Benwell Road)
4th Election District - 3rd Councilmanic District
Petitioner(s): Hurst R. Hessey
HEARING SCHEDULED: FRIDAY, NOVEMBER 4, 1988 at 9:00 a.m.*

Dear Mr. Hessey:

Please be advised that \$9780 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 059080
DATE 11/4/88 ACCOUNT R-01-615-000
AMOUNT \$ 9780
RECEIVED FROM Hurst R. Hessey
FOR Posting and Advertising 11/4/88 Hearing
B 8012*****9780:0 5146F 89-168-A
VALIDATION OR SIGNATURE OF CARRIER
DATE: 11/4/88 TIME: 10:00 AM

post set(s), there each set not

per of

PLAN IN EFFECT ON THIS DATE.

CONFIRM NEW DATE.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

September 29, 1988

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER 89-168-A
E/S Berwell Road, 165' N of Hammershire Road
(45 Berwell Road)
4th Election District - 3rd Councilmanic District
Petitioner(s): Hurst R. Hessey
HEARING SCHEDULED: FRIDAY, NOVEMBER 4, 1988 at 9:00 a.m.*

Variance to allow a distance between buildings of 10 feet in lieu of the required 30 feet (between buildings numbers 20 and 21, 24 and 25 and 28 and 29). To allow building to right of way and building to right of the right of way centerline setbacks of 18 feet and 48 feet in lieu of the required 25 feet and 50 feet respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

*NOTE:

IF PHASE II OF THE SNOW EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 6:30 a.m. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, DECEMBER 22, 1988. PLEASE TELEPHONE DOCKET CLERK AT 494-3391 TO CONFIRM.

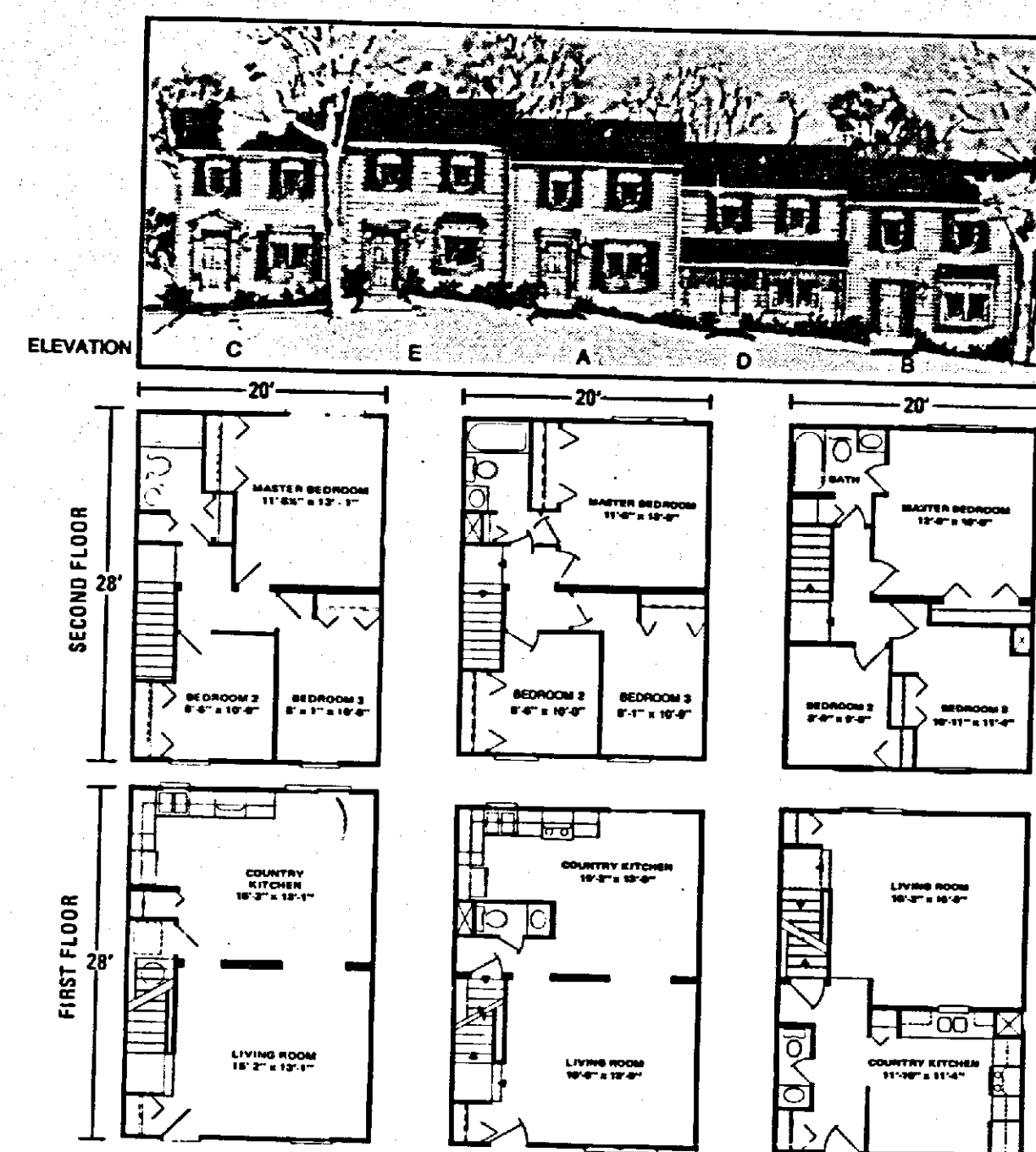
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Hurst R. Hessey
File

NORTH AMERICAN HOUSING

JACKSON

TOWNHOUSE
2028



2028 - 1120 SF
JACKSON I JACKSON II JACKSON III
PETITIONER'S EXHIBIT 3
NORTH AMERICAN HOUSING CO. 111 W. Chesapeake Ave. Towson, Maryland 21204
Plans, Prices And Specifications Subject To Change Without Notice Copyright 1984 (See Reverse Side)

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: C. A. Dutch Ruppersberger, III DATE: February 2, 1989
FROM: J. Robert Haines, Zoning Commissioner
SUBJECT: Petition for Zoning Variance
E/S Berwell Road, 165' N of Hammershire Road
(45 Berwell Road)
4th Election District - 3rd Councilmanic District
Hurst R. Hessey - Petitioner
Case No. 89-168-A

In response to your correspondence dated January 23, 1989 on the above-captioned matter, the following comments are offered.

Enclosed please find copies of the Orders issued in this matter on November 29, 1988 and December 19, 1988, which I believe you'll find self-explanatory. As you can see, the subject property is being developed consistent with its D.R. 16 zoning. Although none of the opposition appeared to testify at the hearing, Ms. Bishop and her neighbors' concerns were addressed in the Orders. The fact remains, however, that the property is being appropriately developed.

If you have any further questions on the subject, please do not hesitate to contact me.

JRH:hjs

cc: File

BALTIMORE COUNTY, MARYLAND
INTER - OFFICE CORRESPONDENCE

TO: Robert Haines
Zoning Commissioner
FROM: C. A. Dutch Ruppersberger, III
Councilman, Third District
SUBJECT: Zoning Case #89-168A
DATE: January 23, 1989
RECEIVED
JAN 25 1989
ZONING OFFICE

I would appreciate it if you would review the attached correspondence from Ms. Donna Bishop, one of my constituents who lives at 24 Colliston Road in Reisterstown, concerning the above referenced zoning case.

Please give me your comments concerning the decision which was rendered in this case so that I may respond to Ms. Bishop.

CAR:dp
Enclosure

cc: Ms. Donna Bishop

There is a growing opinion that the development of Reisterstown and Camp Mills area has gone too far at the dismay of the residents who have lived there for years. There seems to be too few people making the decisions for the community which is unbalanced. At the present time I am considering a zoning change in the area of the subject property. I am sure that you will be able to make a difference. Please let me know what you think, and I will be happy to discuss it with you. Sincerely,
Donna Bishop

Wishing you

Happiness

not only at Christmastime

but every day

of the New Year

24 COLLISTON RD
REISTERSTOWN MD 21156

89-168-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
24th day of August, 1988.

Petitioner Hurst R. Hessey
Petitioner's Attorney

J. Robert Haines
Zoning Commissioner
Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Dear Mr. Haines,
I was unable to attend the meeting on case 89-168A on Nov 4. I am strongly opposed to more building in my back yard and so are alot of my neighbors. I enjoy looking out my back window and seeing some trees for a change. My children and the neighborhood children enjoy playing in the little bit of woods that is left around here. I enjoy you can't fight city hall but you can sure try. Please take this opposition under consideration. Thank you
Sincerely,
Donna Bishop

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500
Paul H. Reincke
Chief

September 7, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Hurst R. Hessey

Location: E/S Berwell Road, 165' N. of Hammershire Road
45 Berwell Road
Item No.: 57

Zoning Agenda: Meeting of 8/23/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature]
Planning Group
Special Inspection Division

NOTED & APPROVED: [Signature]
Fire Prevention Bureau

/s/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 24, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
000

Hurst R. Hessey, Esquire
1311 Fidelity Building
Baltimore, Maryland 21201

RE: Item No. 57 - Case No. 89-168-A
Petitioner: Hurst R. Hessey
Petition for Zoning Variance

Dear Mr. Hessey:

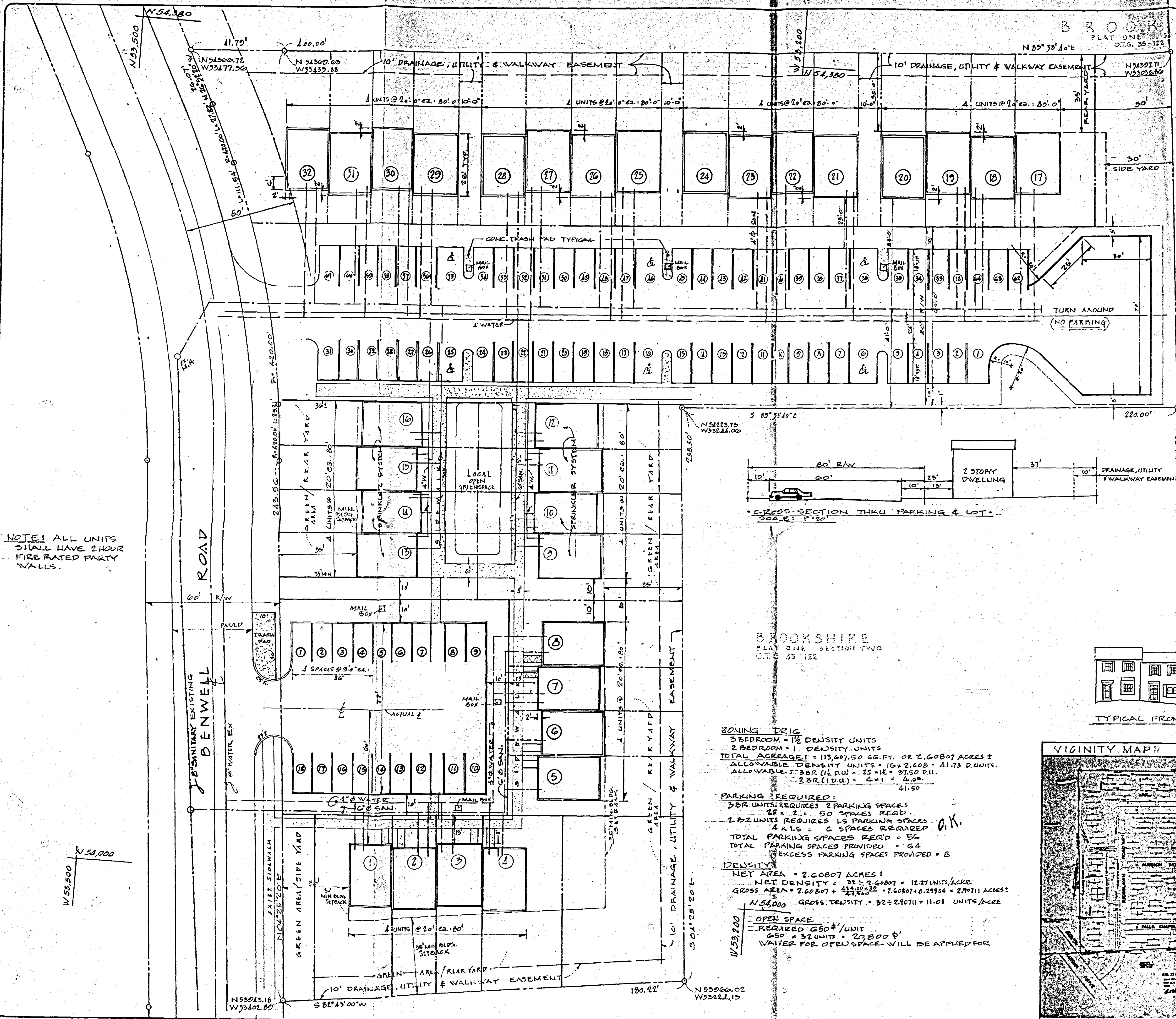
The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development, plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning. Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

PK/sf



NOTE: ALL UNITS SHALL HAVE 2 HOUR FIRE RATED PARTY WALLS.

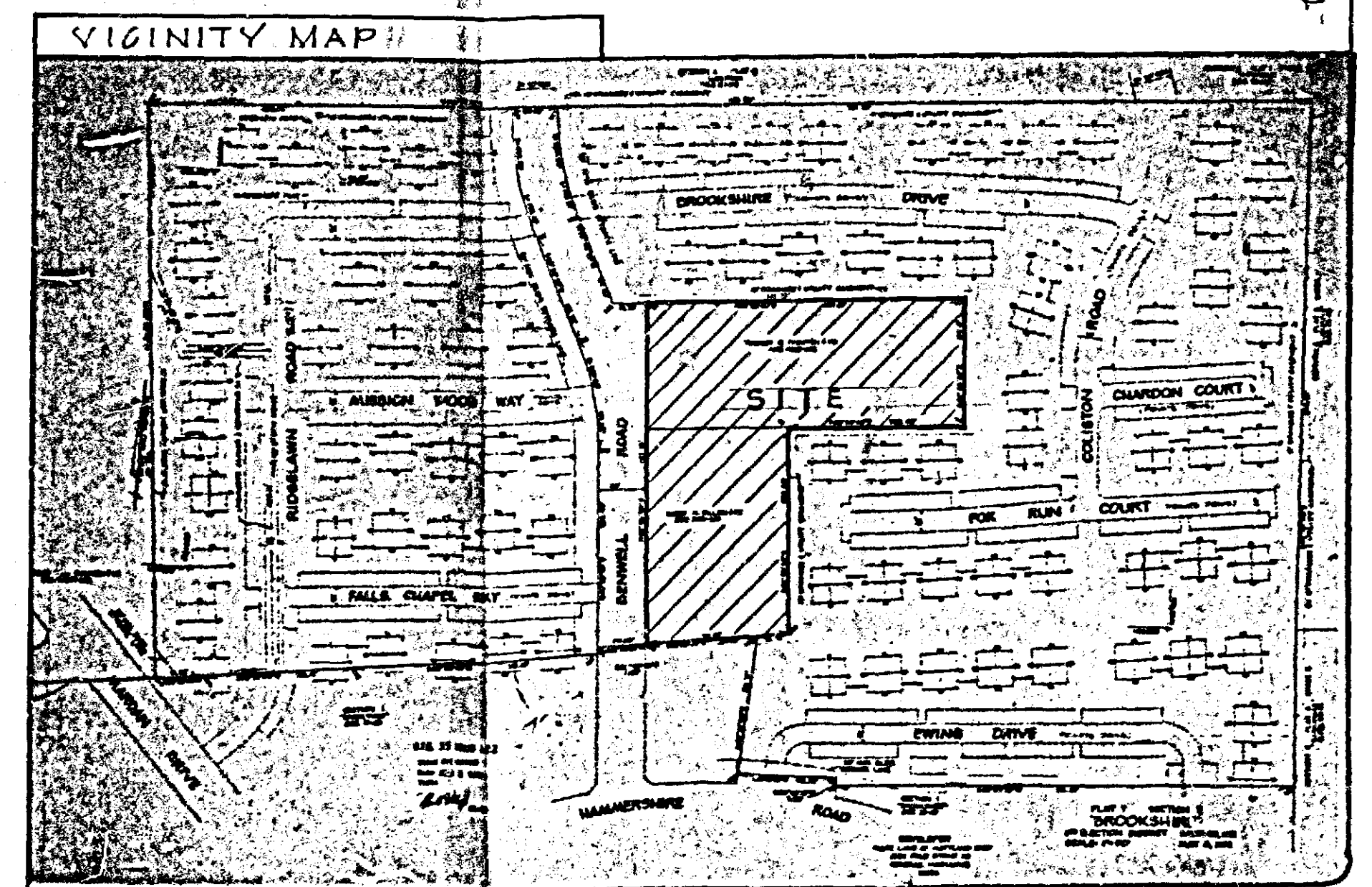
3. ZONING & DENSITY
 3 BR UNIT = 1 1/2 DENSITY UNITS
 2 BR UNIT = 1 DENSITY UNIT
TOTAL ACREAGE: = 113,607.50 SQ. FT. OR 2.6087 ACRES ±
ALLOWABLE DENSITY UNITS: = 16 x 2.608 = 41.73 D. UNITS.
ALLOWABLE: 3 BR (16 DU) = 25 x 1/2 = 37.50 D.U.
2 BR (1 D.U.) = 4 x 1 = 4.00
41.50

4. PARKING REQUIRED:
 3 BR UNITS REQUIRES 2 PARKING SPACES
 25 x 2 = 50 SPACES REQ'D.
 2 BR UNITS REQUIRES 1.5 PARKING SPACES
 4 x 1.5 = 6 SPACES REQUIRED
TOTAL PARKING SPACES REQ'D = 56
TOTAL PARKING SPACES PROVIDED = 64
EXCESS PARKING SPACES PROVIDED = 8

5. DENSITY
NET AREA = 2.6087 ACRES ±
NET DENSITY = 32 ÷ 2.6087 = 12.27 UNITS/ACRE
GROSS AREA = 2.6087 + 41,106.32 ÷ 2,608,074 = 2.90711 ACRES ±
N 54,000 - GROSS DENSITY = 32 ÷ 2.90711 = 11.01 UNITS/ACRE

6. OPEN SPACE
REQUIRED 650' ± / UNIT
650' x 32 UNITS = 20,800' ±
WAIVER FOR OPEN SPACE WILL BE APPLIED FOR

PETITIONER'S EXHIBIT 1



SILBERMAN and ASSOCIATES
 Engineers • Surveyors
 1703 East Joppa Road
 Baltimore, Maryland, 21234
 ph. 301-661-5888

PROPOSED SUBDIVISION OF PARCEL C-1
 DENWELL ROAD - "VICTORIA SQUARE"
 BALTIMORE COUNTY

PROJECT: VICTORIA SQUARE
 DATE: AUG. 20, 1987
 SCALE: 1" = 20'
 DWG. BY: H. SILBERMAN

FILE NUMBER
 070507

REVISIONS
 1. AUG. 22, 1987
 2. MAY 25, 1988
 3. JUNE 27, 1988
 4. JUNE 27, 1988

SHEET
 DRAWING

PLANS FOR CRG & VARIANCE

